

LOWER BRULE SIOUX TRIBAL COURT ) IN TRIBAL COURT  
LOWER BRULE SIOUX TRIBE )SS  
LOWER BRULE SIOUX TRIBE JURISDICTION ) CIVIL DIVISION

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ORVILLE RED LANGDEAU JR.,  
JOHN MCCAULEY SR,  
on behalf of themselves and all  
other Tribal members affected by the  
conduct of Defendants  
Plaintiffs

CIV-15-9-0111

vs.

TEMPORARY RESTRAINING  
ORDER/ORDER TO SHOW  
CAUSE/ SECOND AMENDED  
NOTICE OF HEARING

KEVIN WRIGHT, SONNY ZIEGLER,  
AND DESIREE LAROCHE, LEWIS GRASSROPE,  
Defendants.

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The Plaintiffs, elected officials of the Lower Brule Sioux Tribe, have filed this complaint against the other three elected leaders of the Tribe and Defendant Grassrope, claiming that the Defendants are taking actions in derogation of the Lower Brule Sioux Tribal Constitution and in violation of a preliminary injunction this Court entered in CIV-14-12-0119. The legality of that injunction is currently on appeal to the Lower Brule Sioux Tribal Court of Appeals. In that case the Court enjoined the three elected Defendants from taking legislative action without the presence of a quorum and without the necessary 2/3's of the total number of elected leaders. Both parties appealed from this Court's ruling and that appeal remains pending.

This new lawsuit involves similar claims of unconstitutional action by the three elected Defendants and they have now included Defendant Grassrope, who has purportedly been installed as the new Chairman to replace the former Chairman who

died. The Plaintiffs claim that those actions are unconstitutional because they are contrary to this Court's interpretation of the Lower Brule Sioux Tribal Constitution in CIV-14-12-0119. This Court has not been pointed to any action by the Court of Appeals to vacate that continuing injunction.

From the filings of the Plaintiffs it appears that the Defendants have taken actions that run contrary to this Court's interpretation of the Lower Brule Sioux Tribal Constitution and that the Plaintiffs have also alleged harm to their rights as elected leaders to notice and the right to have their legislative voices heard. This may state a claim under the Indian Civil Rights Act and the Defendants may not be entitled to claim immunity from judicial review. However, the Court finds that the Defendants should have a right to be heard prior to this Court taking action to invalidate any actions of the Defendants.

WHEREFORE, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendants shall be temporarily restrained from taking actions as a legislative body without a quorum and without the necessary votes of that quorum as this Court ruled in CIV-14-12-0119 and it is further

ORDERED, ADJUDGED, AND DECREED that the Defendants shall have until OCTOBER 7, 2015 by close of business to show cause, by affidavit or otherwise, why their actions taken at a meeting in Rapid City, South Dakota on September 8, 2015 should not be declared void and of no legal effect and it is further

ORDERED, ADJUDGED, AND DECREED that the Plaintiffs shall have until October 12, 2015 by close of business to file any response to the filings of the Defendants and it is further

ORDERED, ADJUDGED, AND DECREED that hearing on whether to grant the Plaintiffs a preliminary injunction shall be held on the 23<sup>rd</sup> day of October 2015 at 10 AM. Counsel are urged to facilitate a meeting of their clients before that hearing to attempt to reach a resolution of the impasse that currently exists. The Court understands that a meeting of the Council is scheduled for October 7, 2015 and the Court directs that the Parties comply with the temporary restraining order issued in this case and the restraining order issued in CIV 14-0119 with regard to the appointment of a new Chairman and other tribal business.

So ordered this 14<sup>th</sup> day of September 2015 and amended September 28, 2015 and further amended September 30, 2015 and further amended October 5, 2015



B.J. Jones  
Lower Brule Sioux Tribe  
Special Judge

ATTEST:

